REMARKS

Claims 1-15, 17 and 19-27 are pending in the application and stand rejected. Claims 16 and 18 have been canceled.

Rejection under 35 U.S.C §102

Claims 1-15, 17 and 19-27 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0010463 to Hahn-Carlson (hereinafter "Hahn"). In particular, the Examiner finds that, with regard to the independent claims, Hahn discloses all of the claimed limitations. Applicants have reviewed the reference with care, paying particular attention to the passages cited, and are compelled to respectfully disagree with the Examiner's characterization of this reference.

The present independent claims recite, *inter alia*, means for providing an indication of one or more consequences of allocating portions of a total quantity to be purchased among a plurality of potential suppliers. The Examiner asserts that this is disclosed by Hahn at least at paragraph 50, citing specifically to the proposition that "The pricing rules may also include, for example, prices associated with a particular quantity of products, with different per-product prices being assigned for particular quantities of products." This, however, simply has nothing in common with the claimed indicating of one or more consequences of allocating portions of a total quantity to be purchased among a plurality of potential suppliers.

Hahn discloses a system (the CCM, or Collaborative Contract Manager) that is intended to be an interface between a buyer system and a seller system and determine pricing for a contract based upon both the buyer's and the seller's criteria. Thus, it is important at the outset to understand that Hahn is aimed at facilitating a transaction between a single buyer and a single seller. Applicants' invention, on the other hand, is aimed at helping a buyer to allocate a purchase among a plurality of sellers. It is true that the CCM of Hahn does access the criteria (pricing, discounts, etc.) of a plurality of sellers; however, it only does so in order to pick the single best one in accordance with the buyer's criteria. This is best set forth in paragraph 53 of Hahn:

...the CCM 210 is further adapted to search for contracts for a particular item offered by different sellers and to identify prices for purchase of the item by a particular buyer. For instance, when a buyer requests a particular product at the best price from the CCM 210, a search is performed using the buyer's information and seller information to identify eligible contracts (e.g., the seller and buyer meet each other's criteria for establishing a contract). <u>Once eligible contracts are identified</u> and pricing for execution of the contracts for the particular item (and other transaction information, such as quantity and delivery options) have been determined, <u>a contract</u> with the lowest price <u>is selected and implemented</u>. With this approach, <u>a buyer can automatically have a lowest-price eligible contract</u> identified and implemented for purchasing products.

Applicants' invention (as best understood with reference to Fig. 2 of the specification) is aimed at providing the user with an understanding of how spreading a purchase order amongst several suppliers will impact the overall picture (e.g. total price) by allowing the user to vary the allocation among the suppliers and providing an indication to the user of the consequences (e.g. how the total price varies) of so varying the allocation. There is nothing akin to this in Hahn. Hahn does accept purchasing criteria from a buyer and then searches through all available supplier contracts for those that can meet the buyer's criteria. However, at no point does Hahn even mention the possibility of the buyer being able to select a plurality of sellers amongst which to distribute his intended purchase, much less of allowing the buyer to play with the distribution of his purchase order among such a plurality of sellers in order to see the effect (consequences) of any particular allocation. Applicants respectfully invite the Examiner to peruse the entire specification of Hahn to verify that all embodiments disclosed therein are dedicated to setting up a one-on-one relationship between a single buyer and a single seller. Should the Examiner continue to disagree, Applicants respectfully request him to <u>clearly and specifically</u> point out where Hahn discloses the above-discussed feature in accordance with 37 C.F.R. 1.104(c)2.

Otherwise, Applicants respectfully request the Examiner to kindly reconsider and pass all claims to issue.

Applicants do not specifically address the Examiner's rejection of the dependent claims because, as set forth above, these claims are dependent on allowable independent claims and thus are also allowable at least based upon their dependencies.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.
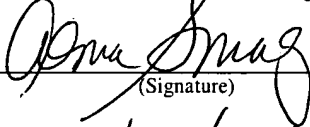
I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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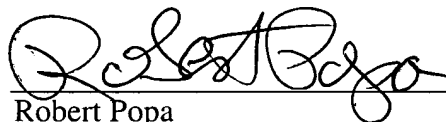
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